

SECTION K OF RFP5-03275-352
REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERS

K.1 SECTION K CLAUSES INCORPORATED BY REFERENCE

The following clauses are incorporated by reference in accordance with Federal Acquisition Regulation (FAR) 52.252-2 CLAUSES INCORPORATED BY REFERENCE (JUN 1988):

- (52.203-11) CERTIFICATION AND DISCLOSURE REGARDING PAYMENTS TO INFLUENCE CERTAIN FEDERAL TRANSACTIONS (APR 1991)
- (52.222-21) PROHIBITION OF SEGREGATED FACILITIES (FEB 1999)

(End of By Reference Section)

K.2 COMPLIANCE WITH VETERANS EMPLOYMENT REPORTING REQUIREMENTS (FEB 1999)

By submission of its offer, the offeror represents that, if it is subject to the reporting requirements of 37 U.S.C. 4212(d) (i.e., the VETS-100 report required by Federal Acquisition Regulation clause 52.222-37, Employment Reports on Disabled Veterans and Veterans of the Vietnam Era), it has submitted the most recent report required by 37 U.S.C. 4212(d).

(End of provision)

K.3 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (52.203-2) (APR 1985)

(a) The offeror certifies that--

(1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to (i) those prices, (ii) the intention to submit an offer, or (iii) the methods or factors used to calculate the prices offered;

(2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory--

(1) Is the person in the offeror's organization responsible for determining the prices being offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above; or

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(2) (i) Has been authorized in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) above
..... [insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization].

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above.

(c) If the offeror deletes or modifies subparagraph (a)(2) above, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

(End of provision)

K.4 TAXPAYER IDENTIFICATION (52.204-3) (OCT 1998)

(a) Definitions.

"Common parent," as used in this provision, means that corporate entity that owns or controls an affiliated group of corporations that files its Federal income tax returns on a consolidated basis, and of which the offeror is a member.

"Taxpayer Identification Number (TIN)," as used in this provision, means the number required by the Internal Revenue Service (IRS) to be used by the offeror in reporting income tax and other returns. The TIN may be either a Social Security Number or an Employer Identification Number.

(b) All offerors must submit the information required in paragraphs (d) through (f) of this provision to comply with debt collection requirements of 31 U.S.C. 7701(c) and 3325(d), reporting requirements of 26 U.S.C. 6041, 6041A, and 6050M and implementing regulations issued by the IRS. If the resulting contract is subject to the payment reporting requirements described in Federal Acquisition Regulation (FAR) 4.904, the failure or refusal by the offeror to furnish the information may result in a 31 percent reduction of payments otherwise due under the contract.

(c) The TIN may be used by the Government to collect and report on any delinquent amounts arising out of the offeror's relationship with the Government (31 U.S.C. 7701(c)(3)). If the resulting contract is subject to the payment reporting requirements described in FAR 4.904, the

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TIN provided hereunder may be matched with IRS records to verify the accuracy of the offeror's TIN.

(d) Taxpayer Identification Number (TIN).

☐ TIN: _____.

☐ TIN has been applied for.

☐ TIN is not required because:

☐ Offeror is a nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the conduct of a trade or business in the United States and does not have an office or place of business or a fiscal paying agent in the United States.;

☐ Offeror is an agency or instrumentality of a foreign government;

☐ Offeror is an agency or instrumentality of the Federal government;

(e) Type of organization.

☐ Sole proprietorship;

☐ Partnership;

☐ Corporate entity (not tax exempt);

☐ Corporate entity (tax-exempt);

☐ Government entity (Federal, State, or local);

☐ Foreign government;

☐ International organization per 26 CFR 1.6049-4;

☐ Other _____

(f) Common Parent.

☐ Offeror is not owned or controlled by a common parent as defined in paragraph (a) of this provision.

☐ Name and TIN of common parent:

Name _____

TIN _____

(End of provision)

K.5 WOMEN-OWNED BUSINESS (52.204-5) (OCT 1995)

(a) Representation. The offeror represents that it ☐ is, ☐ is not a women-owned business concern.

(b) Definition. "Women-owned business concern," as used in this provision, means a concern which is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(End of provision)

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K.6 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (52.209-5) (MAR 1996)

(a) (1) The Offeror certifies, to the best of its knowledge and belief, that--

(i) The Offeror and/or any of its Principals--

(A) Are () are not () presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have () have not (), within a three-year period preceding this offer, been convicted of or had a civil judgement rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property; and

(C) Are () are not () presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.

(ii) The Offeror has () has not (), within a three- year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

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(d) Nothing contained in the foregoing shall be construed to require establishment of a system or records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

(End of provision)

K.7 PLACE OF PERFORMANCE (52.215-6) (OCT 1997)

(a) The offeror or respondent, in the performance of any contract resulting from this solicitation, [] intends, [] does not intend [check applicable block] to use one or more plants or facilities located at a different address from the address of the offeror or respondent as indicated in this proposal or response to request for information.

(b) If the offeror or respondent checks "intends" in paragraph (a) of this provision, it shall insert in the following spaces the required information:

Place of performance
(street address, city, state, county, zip code)

Name and address of owner and
operator of the plant or facility if
other than offeror or respondent

(End of provision)

**K.8 SMALL BUSINESS PROGRAM REPRESENTATIONS (52.219-1) (OCT 1998)--
ALTERNATE I (OCT 1998)--ALTERNATE II (JAN 1999)**

(a)(1) The standard industrial classification (SIC) code for this acquisition is 8731.

(2) The small business size standard is 1,000 employees.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

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(b) Representations.

(1) The offeror represents as part of its offer that it ☐ is, ☐ is not a small business concern.

(2) (Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents, for general statistical purposes, that it ☐ is, ☐ is not a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) (Complete only if offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it ☐ is, ☐ is not a women-owned small business concern.

(4) (Complete if the offeror has represented itself as disadvantaged in paragraph (b)(2) of this provision.) [The offeror shall check the category in which its ownership falls]:

☐ Black American

☐ Hispanic American

☐ Native American (American Indians, Eskimos, Aleuts, or Native Hawaiians).

☐ Asian-Pacific Americans (persons with origins from Burma, Thailand, Malaysia, Indonesia, Singapore, Brunei, Japan, China, Taiwan, Laos, Cambodia (Kampuchea), Vietnam, Korea, The Philippines, U.S. Trust Territory of the Pacific Islands (Republic of Palau), Republic of the Marshall Islands, Guam, Samoa, Macao, Hong Kong, Fiji, Tonga, Kiribati, Tuvalu, or Nauru).

☐ Subcontinent Asian (Asian-Indian) American (persons with origins from India, Pakistan, Bangladesh, Sri Lanka, Bhutan, the Maldives Islands, or Nepal).

☐ Individual/concern, other than one of the preceding.

(5) [Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.] The offeror represents as part of its offer that--

(i) It ☐ is, ☐ is not a HUBZone small business concern listed, on the date of this representation, on the list of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration, and no material change in ownership and control, principal place of ownership, or HUBZone employee percentage has occurred since it was certified by the Small Business Administration in accordance with CFR part 126; and

(ii) It is ☐, ☐ is not a joint venture that complies with the requirements of 13 CFR part 126, and the representation in paragraph (c)(9)(I) of this provision is accurate for the HUBZone small business concern or concerns that are participating in the joint venture. [The offeror shall enter the name or names of the HUBZone small business concern or concerns that are participating in the joint venture:

_____.]
Each HUBZone small business concern participating in the joint venture shall submit a separate signed copy of the HUBZone representation.

(c.) Definitions.

“Small business concern,” as used in this provision, means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

“Women-owned small business concern,” as used in this provision, means a small business concern--

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(1) Which is at least 51 percent owned by one or more women or, in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

(d) Notice. (1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small or small disadvantaged business concern in order to obtain a contract to be awarded under the preference programs established pursuant to sections 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall--

(i) Be punished by imposition of fine, imprisonment, or both;

(ii) Be subject to administrative remedies, including suspension and debarment; and

(iii) Be ineligible for participation in programs conducted under the authority of the

Act.

(End of provision)

K.9 SMALL DISADVANTAGED BUSINESS STATUS (52.219-22) (OCT 1998)--
ALTERNATE I (OCT 1998)

(a) General. This provision is used to assess an offeror's small disadvantaged business status for the purpose of obtaining a benefit on this solicitation. Status as a small business and status as a small disadvantaged business for general statistical purposes is covered by the provision at FAR 52.219-1, Small Business Program Representation.

(b) Representations. (1) General. The offeror represents, as part of its offer, that it is a small business under the size standard applicable to this acquisition; and either--

/ / (i) It has received certification by the Small Business Administration as a small disadvantaged business concern consistent with 13 CFR 124, Subpart B; and

(A) No material change in disadvantaged ownership and control has occurred since its certification;

(B) Where the concern is owned by one or more disadvantaged individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(C) It is listed, on the date of this representation, on the register of small disadvantaged business concerns maintained by the Small Business Administration; or

/ / (ii) It has submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that

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no material change in disadvantaged ownership and control has occurred since its application was submitted.

(2) / / For Joint Ventures. The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements at 13 CFR 124.1002(f) and that the representation in paragraph (b)(1) of this provision is accurate for the small disadvantaged business concern that is participating in the joint venture. [The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture:_____.]

(3) The offeror represents that its address [] is, [] is not in a region for which a small disadvantaged business procurement mechanism is authorized and its address has not changed since its certification as a small disadvantaged business concern or submission of its application for certification. The list of authorized small disadvantaged business procurement mechanisms and regions is posted at <http://www.arnet.gov/References/sdbadjustments.htm>. The offeror shall use the list in effect on the date of this solicitation. "Address," as used in this provision, means the address of the offeror as listed on the Small Business Administration's register of small disadvantaged business concerns or the address on the completed application that the concern has submitted to the Small Business Administration or a Private Certifier in accordance with CFR part 124, subpart B. For joint ventures, "address" refers to the address of the small disadvantaged business concern that is participating in the joint venture.

(c) Penalties and Remedies. Anyone who misrepresents any aspects of the disadvantaged status of a concern for the purposes of securing a contract or subcontract shall--

- (1) Be punished by imposition of a fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Small Business Act.

(End of provision)

K.10 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (52.222-22) (FEB 1999)

The offeror represents that--

(a) It // has, // has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

(b) It // has, // has not, filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

(End of provision)

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K.11 AFFIRMATIVE ACTION COMPLIANCE (52.222-25) (APR 1984)

The offeror represents that (a) it // has developed and has on file, // has not developed and does not have on file, at each establishment, affirmative action programs required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (b) it // has not previously had contracts subject to the written affirmative action programs requirement of the rules and regulations of the Secretary of Labor.

(End of provision)

K.12 CLEAN AIR AND WATER CERTIFICATION (52.223-1) (APR 1984)

The Offeror certifies that--

(a) Any facility to be used in the performance of this proposed contract is //, is not // listed on the Environmental Protection Agency List of Violating Facilities;

(b) The Offeror will immediately notify the Contracting Officer, before award, of the receipt of any communication from the Administrator, or a designee, of the Environmental Protection Agency, indicating that any facility that the Offeror proposes to use for the performance of the contract is under consideration to be listed on the EPA List of Violating Facilities; and

(c) The Offeror will include a certification substantially the same as this certification, including this paragraph (c), in every nonexempt subcontract.

(End of provision)

K.13 CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (52.223-13) (OCT 1996)

(a) Submission of this certification is a prerequisite for making or entering into this contract imposed by Executive Order 12969, August 8, 1995.

(b) By signing this offer, the offeror certifies that--

(1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or

(2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: (Check each block that is applicable.)

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/ / (i) The facility does not manufacture, process, or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

/ / (ii) The facility does not have 10 or more full time employees as specified in section 313(b)(1)(A) of EPCRA, 42 U.S.C. 11023(b)(1)(A);

/ / (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

/ / (iv) The facility does not fall within Standard Industrial Classification (SIC) designations 20 through 39 as set forth in section 19.102 of the Federal Acquisition Regulation; or

/ / (v) The facility is not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory of possession over which the United States has jurisdiction.

(End of provision)

K.14 BUY AMERICAN CERTIFICATE (52.225-1) (DEC 1989)

The offeror certifies that each end product, except those listed below, is a domestic end product (as defined in the clause entitled "Buy American Act--Supplies"), and that components of unknown origin are considered to have been mined, produced, or manufactured outside the United States.

Excluded End Products	Country of Origin
.....
.....
.....

(List as necessary)

Offerors may obtain from the contracting officer lists of articles, materials, and supplies excepted from the Buy American Act.

(End of provision)

K.15 COST ACCOUNTING STANDARDS NOTICES AND CERTIFICATION (52.230-1)(APR 1998)

Note: This notice does not apply to small businesses or foreign governments. This notice is in three parts, identified by Roman numerals I through III.

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Offerors shall examine each part and provide the requested information in order to determine Cost Accounting Standards (CAS) requirements applicable to any resultant contract.

If the offeror is an educational institution, Part II does not apply unless the contemplated contract will be subject to full or modified CAS coverage pursuant to 48 CFR 9903.201-2(c)(5) or 9903.201-2(c)(6).

I. DISCLOSURE STATEMENT - COST ACCOUNTING PRACTICES AND CERTIFICATION

(a) Any contract in excess of \$500,000 resulting from this solicitation will be subject to the requirements of the Cost Accounting Standards Board (48 CFR Chapter 99), except for those contracts which are exempt as specified in 48 CFR 9903.201-1.

(b) Any offeror submitting a proposal which, if accepted, will result in a contract subject to the requirements of 48 CFR, Chapter 99 must, as a condition of contracting, submit a Disclosure Statement as required by 48 CFR 9903.202. When required, the Disclosure Statement must be submitted as a part of the offeror's proposal under this solicitation unless the offeror has already submitted a Disclosure Statement disclosing the practices used in connection with the pricing of this proposal. If an applicable Disclosure Statement has already been submitted, the offeror may satisfy the requirement for submission by providing the information requested in paragraph (c) of Part I of this provision.

CAUTION: In the absence of specific regulations or agreement, a practice disclosed in a Disclosure Statement shall not, by virtue of such disclosure, be deemed to be a proper, approved, or agreed-to practice for pricing proposals or accumulating and reporting contract performance cost data.

(c) Check the appropriate box below:

/ / (1) Certificate of Concurrent Submission of Disclosure Statement.

The offeror hereby certifies that, as a part of the offer, copies of the Disclosure Statement have been submitted as follows: (i) original and one copy to the cognizant Administrative Contracting Officer (ACO) or cognizant Federal agency official authorized to act in that capacity (Federal Official), as applicable, and (ii) one copy to the cognizant Federal auditor.

(Disclosure must be on Form No. CASB DS-1 or CASB DS-2, as applicable. Forms may be obtained from the cognizant ACO or cognizant Federal official acting in that capacity and/or from the looseleaf version of the Federal Acquisition Regulation.)

Date of Disclosure Statement: _____

Name and Address of Cognizant ACO or Federal Official Where Filed:

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The offeror further certifies that practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the Disclosure Statement.

/ / (2) Certificate of Previously Submitted Disclosure
Statement.

The offeror hereby certifies that the required Disclosure Statement was filed as follows:

Date of Disclosure Statement: _____

Name and Address of Cognizant ACO or Federal Official where
filed: _____

The offeror further certifies that the practices used in estimating costs in pricing this proposal are consistent with the cost accounting practices disclosed in the applicable Disclosure Statement.

/ / (3) Certificate of Monetary Exemption.

The offeror hereby certifies that the offeror, together with all divisions, subsidiaries, and affiliates under common control, did not receive net awards of negotiated prime contracts and subcontracts subject to CAS totaling more than \$25 million (of which at least one award exceeded \$1 million) in the cost accounting period immediately preceding the period in which this proposal was submitted. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

/ / (4) Certificate of Interim Exemption

The offeror hereby certifies that (i) the offeror first exceeded the monetary exemption for disclosure, as defined in (3) of this subsection, in the cost accounting period immediately preceding the period in which this offer was submitted and (ii) in accordance with 48 CFR 9903.202-1, the offeror is not yet required to submit a Disclosure Statement. The offeror further certifies that if an award resulting from this proposal has not been made within 90 days after the end of that period, the offeror will immediately submit a revised certificate to the Contracting Officer, in the form specified under subparagraph (c)(1) or (c)(2) of Part I of this provision, as appropriate, to verify submission of a completed Disclosure Statement.

CAUTION: Offerors currently required to disclose because they were awarded a

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CAS-covered prime contract or subcontract of \$25 million or more in the current cost accounting period may not claim this exemption (4). Further, the exemption applies only in connection with proposals submitted before expiration of the 90-day period following the cost accounting period in which the monetary exemption was exceeded.

II. COST ACCOUNTING STANDARDS - ELIGIBILITY FOR MODIFIED CONTRACT COVERAGE

If the offeror is eligible to use the modified provisions of 48 CFR 9903.201-2(b) and elects to do so, the offeror shall indicate by checking the box below. Checking the box below shall mean that the resultant contract is subject to the Disclosure and Consistency of Cost Accounting Practices clause in lieu of the Cost Accounting Standards clause.

/ / The offeror hereby claims an exemption from the Cost Accounting Standards clause under the provisions of 48 CFR 9903.201-2(b) and certifies that the offeror is eligible for use of the Disclosure and Consistency of Cost Accounting Practices clause because during the cost accounting period immediately preceding the period in which this proposal was submitted, the offeror received less than \$25 million in awards of CAS-covered prime contracts and subcontracts, or the offeror did not receive a single CAS-covered award exceeding \$1 million. The offeror further certifies that if such status changes before an award resulting from this proposal, the offeror will advise the Contracting Officer immediately.

CAUTION: An offeror may not claim the above eligibility for modified contract coverage if this proposal is expected to result in the award of a CAS-covered contract of \$25 million or more or if, during its current cost accounting period, the offeror has been awarded a single CAS-covered prime contract or subcontract of \$25 million or more.

III. ADDITIONAL COST ACCOUNTING STANDARDS APPLICABLE TO EXISTING CONTRACTS

The offeror shall indicate below whether award of the contemplated contract would, in accordance with subparagraph (a)(3) of the Cost Accounting Standards clause, require a change in established cost accounting practices affecting existing contracts and subcontracts.

/ / YES

/ / NO

(End of provision)

K.16 COMMERCIAL AND GOVERNMENT ENTITY (CAGE) CODE REPORTING (GSFC 52.204-90) (MAR 1999)

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(a) Commercial and Government Entity (CAGE) codes are used to support a variety of procurement data systems throughout the Government. CAGE codes provide a standardized method of identifying a given facility at a specific location. CAGE codes will be used as a key data element in NASA's pending Integrated Financial Management Program (IFMP). In order to transition to IFMP, CAGE codes are now being collected. If an offeror does not have a CAGE code, the offeror is encouraged, but not presently required, to obtain one.

(b) Commercial and Government Entity (CAGE) codes are assigned by the Defense Logistics Services Center (DLSC) to identify a commercial or Government entity. These codes are unique for each commercial or government facility or location. The CAGE code must be for a contractor's particular name and address, not for a parent or other corporate affiliation.

(c.) An offeror who does not have a CAGE code should complete a "Goddard Space Flight Center Vendor Commercial and Government Entity (CAGE) Code Request Form," available at: <http://genesis.gsfc.nasa.gov/cagereqgsfc.htm> (Note: The request can be submitted electronically to the Goddard Space Flight Center directly from this Web site)

(d) The offeror is requested to complete one of the following:

/ / Offeror has a CAGE code. The CAGE code for the offeror location is

_____.

/ / CAGE code request has been electronically submitted per paragraph (c).

/ / CAGE code has been requested by other means. The DD Form 2051 was submitted to

_____ on the following date:

NOTE: Do NOT delay submission of the offer pending receipt of a CAGE code.

(End of provision)

-----END OF SECTION-----

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SECTION L OF RFP5-03275-352
INSTRUCTIONS TO OFFERORS

L.1 LIST OF SECTION L PROVISIONS INCORPORATED BY REFERENCE

The following provisions are incorporated by reference in accordance with Federal Acquisition Regulation (FAR) 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (JUN 1988):

- (52.204-6) DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER (APR 1998)
- (52.211-14) NOTICE OF PRIORITY RATING FOR NATIONAL DEFENSE USE (SEP 1990)
- (52.214-34) SUBMISSION OF OFFERS IN THE ENGLISH LANGUAGE (APR 1991)
- (52.214-35) SUBMISSION OF OFFERS IN U.S. CURRENCY (APR 1991)
- (52.215-1) INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION (OCT 1997)
- (52.215-16) FACILITIES CAPITAL COST OF MONEY (OCT 1997)
- (52.219-24) SMALL DISADVANTAGED BUSINESS PARTICIPATION PROGRAM --- TARGETS (JAN 1999)
- (52.222-24) PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FEB 1999)
- (1852.227-71) REQUESTS FOR WAIVER OF RIGHTS TO INVENTIONS (APR 1984)
- (1852.233-70) PROTESTS TO NASA (MAR 1997)

(End of By Reference Section)

L.2 COMMUNICATIONS REGARDING THIS SOLICITATION (GSFC 52.215-96) (APR 1997)

Any questions or comments regarding this solicitation shall cite the solicitation number and be directed to the following Government representative:

Name: Gifford P. Moak

Phone: 301-286-8237 (collect calls not accepted)

FAX: 301-286-1670

E-Mail: Gifford.P.Moak.1@gsfc.nasa.gov

*Address: Goddard Space Flight Center

Greenbelt, MD 20771

Attention: Gifford P. Moak, *Mail Code 214.1

*(Note: Must be complete, including Mail Code, on all transmittals.)

The Government will answer relevant and appropriate questions regarding this solicitation. Any offeror questions should be submitted as soon as possible. Questions the Government may have otherwise answered, may not be answered if submitted too late to permit transmittal to all potential offerors reasonably in advance of the due date.

(End of provision)

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INSTRUCTIONS TO OFFERORS

L.3 TYPE OF CONTRACT (52.216-1) (APR 1984)

The Government contemplates award of a Firm Fixed Price contract resulting from this solicitation.

(End of Provision)

Note that while this FAR clause addresses the type of contract to be awarded it is not intended to modify the intent of the RFP to award not more than two Fixed Price contracts.

L.4 SERVICE OF PROTEST (52.233-2) (AUG 1996)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgement of receipt from:

Bid Office - Mail Code 213
Building 17, Room S142
Attention: Gifford P. Moak/RFP5-03275/352
Goddard Space Flight Center
Greenbelt, MD 20771

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

L.5 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (52.252-1) (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this/these address(es):

Federal Acquisition Regulation (FAR) provisions: <http://www.arnet.gov/far/>
NASA FAR Supplement (NFS) provisions:
<http://www.hq.nasa.gov/office/procurement/regs/nfstoc.htm>

(End of provision)

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L.6 FULL QUANTITIES (1852.214-72) (DEC 1988)

The Government will not consider an offer for quantities of items less than those specified. If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on full quantities.

(End of provision)

L.7 PROPOSAL PAGE LIMITATIONS (1852.215-81) (FEB 1998)

(a) The following page limitations are established for each portion of the proposal submitted in response to this solicitation.

<u>Proposal Section</u>	<u>Page Limit</u>
Technical Proposal	80 pages
Process Improvement Package for Oral Presentation	50 presentation pages -1 slide/chart per page
Price Proposal	no limit
Business Proposal	20 pages *

* The page limitation for the business proposal does NOT include the model contract and its associated subcontracting plan which is submitted as an attachment to the contract nor does it include the requested letters of intent.

(b) A page is defined as one side of a sheet, 8-1/2" x 11", with at least one inch margins on all sides, using not smaller than 12 point type. Foldouts count as an equivalent number of 8-1/2" x 11" pages. The metric standard format most closely approximating the described standard 8-1/2" x 11" size may also be used.

(c) Title pages and tables of contents are excluded from the page counts specified in paragraph (a) of this provision. In addition, the Price section of your proposal is not page limited. However, this section is to be strictly limited to cost and price information. Information that can be construed as belonging in one of the other sections of the proposal will be so construed and counted against that section's page limitation.

(d) If final proposal revisions are requested are requested, separate page limitations will be specified in the Government's request for that submission.

(e) Pages submitted in excess of the limitations specified in this provision will not be evaluated by the Government and will be returned to the offeror.

(End of provision)

L.8 OVERVIEW, STANDARD FORM 33 AND SUBMITTAL OF OFFER

1. Overview

The proposals shall be organized into a contract volume (SF33, contract, and section K), technical

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INSTRUCTIONS TO OFFERORS

volume, a business volume, a price volume, and a process improvement package for oral presentation.

Offerors should use the structure provided below (consistent with the Mission Suitability Sub-factors) for their Technical Proposal. The WBS contained in Section J of this solicitation shall be used to structure the Price proposal.

2. SF 33, Contract Sections B-J (with Offeror Fill-In's), and Section K

This must be a separate proposal volume.

Blocks 12 through 18 of the SF 33 and the indicated offeror required fill-in's in Sections B-K must be completed. The signed SF33 (in 4 original signatures), the model contract (sections B-J and attachments) with any fill-in's completed, and all of Section K must be submitted. The balance of the solicitation need not be returned.

3. Offer Acceptance Period

It is requested that offerors indicate, in Block 12 of the SF 33, a proposal validity period of 120 days. However, in accordance with paragraph (d) of FAR provision 52.215-1, "Instructions to Offerors--Competitive Acquisitions", a different validity period may be proposed by the offeror.

4. Summary of Exceptions

List all exceptions to the terms and requirements of Sections A through J of this solicitation, to the Representations and Certifications (Section K) or to the information requested in Section L. Include the reason for the exception, or refer to where the reason is addressed in the proposal. This list must include all exceptions, both "business" and "technical". Offerors are cautioned that exceptions may result in a determination of proposal unacceptability (NFS 1815.305-70), may preclude award to an offeror if award is made without discussions, or may otherwise affect an offeror's competitive standing.

(End of text)

L.9 TECHNICAL PROPOSAL INSTRUCTIONS (COMPETITIVE) (MISSION SUITABILITY)

The Technical Proposal must include a discussion of your approach to meeting the requirements of the contemplated contract. The Technical approach should be specific, detailed, and complete enough to clearly and fully demonstrate that you understand the requirements and the inherent problems associated with the objectives of this procurement. Stating that you understand and will comply with the specifications, or paraphrasing the specifications is inadequate as are phrases such as: "Standard procedures will be employed" and "Well-known techniques will be used." The Technical Proposal must be sufficient as to how you propose to comply with the applicable specifications, including a full explanation of the techniques and procedures you propose to

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follow. Information previously submitted, if any, will be considered only to the extent it is resubmitted. It should not be incorporated by reference.

1.Detailed Mission Suitability Instructions

Sub-factor A -- NGST Architecture/Technology Development Objective/Process Improvement.

The offeror shall describe their current end-to-end architecture and associated total development process (Phase 1 and 2), and show how they will meet NGST objectives. The offeror must exhibit competence in end-to-end mission system engineering and a thorough understanding of NGST. The offeror should describe the trades that have been made to define their proposed architecture, the process used to identify and make the trades, any inherent technology risks, and the technology development and risk reduction plans to enable its implementation.

Process Improvement Package (NOTE – Below is the ONLY portion of the proposal given orally.)

The objective of the Process Improvement Package presented orally is for the offeror to: 1) demonstrate a corporate commitment to process change and improvement; 2) demonstrate an understanding of, and practical familiarity with, cost reduction, cost containment and quality improvement techniques; and 3) describe an approach to achieving improvements and meeting or exceeding NGST performance requirements within the lifecycle cost cap. The offeror shall adhere to the following guidelines and their presentation should address the following:

The oral presentation will be limited to two hours and will be videotaped. Current plans are that offerors will not be given a copy nor allowed to videotape the session. The Government reserves the right to release a copy of the offeror's presentation video to the company at a later date. It should be given by the project manager and a senior corporate executive. If the offeror wishes to allocate a portion of their allotted time (and page limit) to the project manager and senior corporate executive of a major team member, that is permissible. Only those charts that are presented will go into the record; any backup charts or notes not briefed will not be considered part of the proposal. The offeror shall avoid using small fonts or other mechanisms to add significant volume to the proposal which is not briefed in the two hour presentation. The offeror may bring up to a total of 8 people to the presentation.

The offeror should describe their approach to ensuring that the NGST project can honor its Life Cycle Cost commitment. Critical elements of any proposed NGST architecture will be cost risk and the associated process improvements aimed at retiring it. It is envisioned that the Phase 2 Contractor will have to adjust and redesign their product design, development, and testing processes in order to produce an NGST better, faster, and cheaper than is possible with current practices, and thereby satisfy the technical performance requirements within program resource constraints. Specifically, the offeror is expected to aggressively pursue process improvement efforts that result in shorter cycle times, reduced labor counts, fewer handoffs, reduced incidence and magnitude of errors, etc.

The offeror's overall cost reduction and containment approach and their selection of

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improvement techniques is up to them. However, the scope of the presentation should address the application to NGST of all aspects of process improvement by describing tasks relating to: problem description, quantification and prioritization, process “as-is” mapping and value-added analysis, root cause and effect identification, desired state visioning and definition, “to-be” process design, pilot program implementation and validation, full-scale implementation, and assessment and feedback. If synergy with other programs is cited as a cost reduction and containment method, the offeror should clearly discuss how this will be an advantage. Moreover, if such programs do not have the same degree of cost challenge as NGST, the offeror should discuss how association with them will not undermine NGST cost credibility or suppress efforts to improve processes.

No changes to the material after the delivery of the proposal copies will be allowed.

(NOTE – this is the end of the instructions for the Process Improvement Package.)

Sub-factor B -- Proposed Phase 1 Effort/System Verification Approach.

The offeror shall describe their plan for Phase 1 critical studies, which should include but need not be limited to architecture trades and refinements, mission-life reliability studies, technology development objectives, cost control schemes and techniques, and the execution of the offeror's role in coordination with the Government, the Space Telescope Science Institute (STScI), ESA, and CSA.

The offeror shall describe in detail their proposed approach to integrating and verifying, before launch, the performance of the NGST as an entire system (i.e., ground segment and completed space segment together as a system).

NOTE that the submitted Small Business Subcontracting Plan and proposed goals will be evaluated within this sub-factor as a program management consideration. However, SDB participation (FAR 19.12) will be evaluated separately under the SDB Participation subfactor

Sub-factor C -- Resource Allocation & Team Qualifications.

Provide an organizational chart(s) and sufficient supplemental narrative to fully describe the organization and the functions of each major element.

The offerors shall describe the qualifications and background of the proposed core technical and management team, addressing at a minimum the project scientist, project manager, chief system engineer, and lead technologist. The offeror shall address how it will maintain long-term stability of its team. Also, the offeror shall describe how continuity from Phase 1 to Phase 2 will be handled for its core team. Additionally, the offeror shall describe the facilities intended for use in developing and testing NGST.

Sub-factor D -- Small Disadvantaged Business (SDB) Participation

(Notice: These instructions apply to BOTH large and small business offerors except SDB

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INSTRUCTIONS TO OFFERORS

offerors. They apply to SDB offeror(s) ONLY if the SDB offeror has waived the price evaluation adjustment factor by completing paragraph (c.) of FAR clause 52.219-23, "Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns" in Section I of this solicitation. The waiver, if elected, makes the particular SDB offeror INELIGIBLE for the price evaluation factor adjustment but ELIGIBLE for the "evaluation credit" (points) associated with the SDB participation subfactor described in Section M.)

This solicitation is for a requirement within one of the Major Standard Industrial Classifications determined by the Department of Commerce in accordance with FAR 19.201(b) and meets the applicability conditions of FAR 19.12, "Small Disadvantaged Business Participation Program." A separate Mission Suitability subfactor for SDB participation is described in Section M. Offerors must:

- a. Complete GSFC clause 52.219-91, "Small Disadvantaged Business Participation--Contract Targets," in Section H of this solicitation
- b. Briefly describe work that will be performed by SDB subcontractor(s). Identify any work considered "high technology." If the subcontractor(s) is known, tie the work to the subcontractor identified by the offeror in GSFC clause 52.219-91.
- c. Provide the offeror's record of past participation of SDB concerns in subcontracts and the type of work subcontracted such as production, engineering services, research, development, etc. over the past three full years. Copies of SF 295's can be part of the supporting information submitted.
- d. Identify, by contract number and contracting agency, SDB subcontracting incentives earned under any Government contracts in the last three years. If incentives were available, but not earned, so state.
- e. Provide a brief description of the offeror's established or planned procedures and organizational structure for SDB outreach, assistance, counseling, market research and SDB identification, and relevant purchasing procedures. Large businesses may reference applicable portions of the submitted Small Business Subcontracting Plan.
- f. The offeror should provide a brief description of how they have encouraged (and will continue to encourage) participation in the NGST program. Specifically, the offeror should define its plans for any vendor information booths at upcoming NGST and NASA events. The offeror should provide a copy of the offeror's project web-page illustrating links for vendor use in doing business on the team for this effort. The web-page should provide adequate description of what the primary elements are and how to obtain a technical as well as a small business advisor point of contact.

NOTE: The submitted Small Business Subcontracting Plan and proposed goals will be evaluated within the Proposed Phase 1 Effort/System Verification Plan subfactor as a program management consideration under the Mission Suitability Factor as discussed in Section M. However, SDB participation (FAR 19.12) will be evaluated separately under the SDB Participation subfactor.

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INSTRUCTIONS TO OFFERORS

2. Summary of Deviations\Exceptions (Technical Proposal)

Identify and explain the reason for any deviations, exceptions, or conditional assumptions taken with respect to these technical proposal instructions or to any of the technical requirements of this solicitation, such as the statement of work and related specifications.

(End of text)

L.10 BUSINESS PROPOSAL INSTRUCTIONS (COMPETITIVE)

This portion of the proposal should not be included under the same cover (volume) as the Price proposal.

The term "Business Management Proposal" is not limiting. While these instructions require the submittal of information that is primarily of a "business" nature, some "technical" information is also required.

1. Past Performance

The information requested below is anticipated to be sufficient for purposes of the evaluation of past performance. However, offerors may submit additional information at their discretion if they consider such information necessary to establish a record of relevant past performance. Refer to FAR 15.305(a)(iii).

Furnish the following information for six relevant contracts or subcontracts in excess of \$10 million and in effect within the last four years:

- a. Customer's name, address, and telephone number of both the lead contractual and technical personnel.
- b. Contract number, type, and total original and present or final contract value.
- c. Date of contract, place(s) of performance, and delivery dates or period of performance.
- d. Brief description of contract work and comparability to the proposed effort. It is not sufficient to state that it is comparable in magnitude and scope. Rationale must be provided to demonstrate that it is comparable.
- e. Method of acquisition: competitive or noncompetitive.
- f. Nature of award: initial or follow-on. If initial, indicate whether award was preceded by a Government, customer, or offeror financed study.
- g. Discuss any major technical problems and how they were overcome. List any major deviations or waivers to technical requirements that were granted by the customer.
- h. Whether delivery was on time and, if not, why; adherence to program schedules; incentive performance (e.g., schedule and technical) history, if applicable.

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INSTRUCTIONS TO OFFERORS

i. Cost/price management history; cost overruns and underruns, and cost incentive history, if applicable.

List any contracts over \$ 10 million terminated (partial or complete) within the past 5 years and basis for termination (convenience or default). Include the contract number, name, address, and telephone number of the terminating officer. Include contracts that were "descoped" by the customer because of performance or cost problems.

If you propose to use significant subcontractors (or teaming arrangements), i.e. sub-contractors performing major or critical aspects of this requirement, provide the above information on each of the subcontractors or team members as available.

Offerors shall provide the attached questionnaire (Exhibit 1 of this solicitation) to their customer for the six cited contracts. The questionnaire should then be submitted directly to Gifford P. Moak at the address cited in block 7 of the Standard Form 33 for this solicitation by May 28, 1999.

2. Additional Information to be Furnished

a. Government Property

This provision requires the submittal of certain information if the offeror requests the use of Government property not identified by this solicitation. Such information shall be included in the Business Management Proposal. The offeror should identify the required Government property, the rationale for its need, the time period required, and the Government point of contact for control of such property.

b. Waiver of Rights to Inventions

This solicitation contains NASA FAR Supplement (NFS) clause 1852.227-70, "New Technology" and NFS provision 1852.227-71, "Request for Waiver to Rights to Inventions." Any petitions for advance (prior to contract execution) waiver of rights to inventions should be included in the Business Management proposal.

c. Letters of Intent

The offeror is requested to provide signed letters of intent of teammate participation describing the specific corporate commitment to both Phase 1 and Phase 2 in no more than two pages.

d. Export Laws

Performance of this contract to design, develop, and fabricate the NGST will be subject to the export licensing jurisdiction of the Department of State, and its International Traffic in Arms Regulations, 22 CFR 120-130 (United States Munitions List, Category XV). To the extent of any foreign involvement in a particular proposal, the proposer shall describe how they have or will comply with U.S. export control laws and regulations for the involvement of foreign participants. If an export license was required for the preparation or submission of a proposal with foreign

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INSTRUCTIONS TO OFFERORS

content, a copy of such license will be provided with the proposal.

If the proposer is a joint venture or consortium of companies or entities and one or more of those companies or entities is foreign, the proposer shall disclose in the proposal where the foreign company or entity is legally incorporated or has legal status, and the extent of the proposed entity's involvement in the program.

3. Small Business Subcontracting Plan (This applies ONLY to large businesses.)

This solicitation contains FAR clause 52.219-9, "Small Business Subcontracting Plan--Alternate II." The Subcontracting Plan required by the clause, including the associated subcontracting goals, must be submitted with your proposal.

For this acquisition, a Small Business goal of 8 percent, an Small Disadvantaged Business goal of 8 percent, and a Women-owned Business goal of 8 percent is recommended. However, offerors should perform their own independent assessments and propose goals for small business, HUBZone small business, small disadvantaged business and women-owned business concerns and describe how the goals were arrived at and what methods will be used to achieve the goals.

FAR clause 52.219-9 states that failure to submit and negotiate the Subcontracting Plan shall make an offeror ineligible for award.

4. Summary of Deviations/Exceptions (Business Management Proposal)

Identify and explain the reason for any deviations, exceptions, or conditional assumptions taken with respect to these business management proposal instructions or to any terms and conditions of the solicitation other than those of a technical or cost nature.

(End of provision)

L.11 REQUIREMENTS FOR COST OR PRICING DATA OR INFORMATION OTHER THAN COST OR PRICING DATA (52.215-20) (OCT 1997)--ALTERNATE IV (OCT 1997)

1. Other Than Cost or Pricing Data

This solicitation requires the submittal of other than cost or pricing data. The term "other than cost or pricing data" is defined at FAR 15.401. Submission of cost or pricing data is not required.

2. Instructions

a. Format and structure the price proposal in accordance with the Work Breakdown Structure that is enclosed with this solicitation. Duty charges, if any, shall be included in the price, regardless of whether or not duty free certificates are obtained.

b. Price proposal exhibits and schedules are included with this RFP as Exhibit 2. Offerors should utilize simple charts that provide an understanding of the allocation of costs within each element of cost. The offerors should provide: 1) a top level summary by element of cost (labor, materials,

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INSTRUCTIONS TO OFFERORS

travel, etc.), 2) a summary of expenditures by element of cost by month for the basic contract, 3) a summary level element of cost breakdown by WBS element, and 4) a summary element of cost breakdown distinguishing between technology development funding and engineering analysis. The offeror shall provide simple Basis of Estimate (BOE) charts supporting the computation of each of the elements of cost at a summary level. The same information should be provided for each major subcontractor or organization whose proposed work is valued at \$ 500,000 or more. It is expected that 8-12 pages per contractor proposal should be adequate. (A proposal could have 3 contractor's that have cost data in the price proposal.)

3. Summary of Deviations/Exceptions (Price Proposal)

Identify and explain the reason for any exceptions to these price proposal instructions.

(End of provision)

L.12 PROPOSAL MARKING AND DELIVERY

1. Receiving Office

The designated receiving office for proposals is the Bid Room located on the premises of the Goddard Space Flight Center, Greenbelt, Maryland, in Building 17, Room S-142. The Bid Room hours are 8:00 AM to 4:30 PM, Monday through Friday, except Government Holidays. Proposals must be received by the date and time stated on the solicitation face page.

Offerors must either deliver their proposal, modifications or withdrawals by U. S. Postal Service Mail or *hand deliver (includes the use of a commercial delivery service). Regardless of the delivery method chosen, the proposal must be closed and sealed as if for mailing.

*Note: Non-U.S. citizens that do not have a "green card" will not be given access to the Goddard Space Flight Center for the purpose of proposal delivery.

2. External Marking

[PLEASE NOTE THE ADDITIONAL MARKING REQUIREMENTS IN (b) IF A COMMERCIAL DELIVERY SERVICE IS USED]

(a) The required mailing address/external marking for proposals is as follows:

"NASA/Goddard Space Flight Center
Greenbelt, MD 20771
Attention: Bid Room, Code 213
Building 17, Room S142
RFP5-03275-352
Box ____ of ____

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PROPOSAL--DELIVER UNOPENED"

(b) If the proposal is to be delivered by a commercial delivery service such as United Parcel Service, Federal Express, DHL, Purolator, etc., place the following on the outside of the carrier's envelope or package cover: (offeror must complete fill-in appropriately)

Same information in (a) above and--

•**COMMERCIAL DELIVERY PERSONNEL:** THIS PROPOSAL MUST BE HAND CARRIED DIRECTLY TO THE BID ROOM, BUILDING 17, ROOM S142 AND RECEIVED NO LATER THAN 3:30 PM local time on ____ (month/day/year). THE BID ROOM IS OPEN FROM 8:00 AM TO 4:30 PM, MONDAY THROUGH FRIDAY, EXCEPT GOVERNMENT HOLIDAYS."

(End of provision)

L.13 PROPOSAL COPIES

The following matrix specifies the required number of copies of each proposal volume.

<u>PROPOSAL VOLUME</u>	<u>COPIES REQUIRED</u>
SF 33 and SECTION K	4 Signed Originals
TECHNICAL PROPOSAL	15
PROCESS IMPROVEMENT PACKAGE	15
PRICE PROPOSAL	15
BUSINESS MANAGEMENT PROPOSAL	15

The offeror must submit two electronic/software versions (MS Office compatible or Portable Document Format) of their technical, process improvement, and business volumes. The version should be text only. One of the two copies shall be identified as backup. These disks will be used primarily to assist evaluators with focused (e.g. keyword) searches for information with your proposal. The electronic text only version will NOT be used to evaluate the proposal. Only the paper copy will be used for this purpose.

(End of provision)

-----END OF SECTION-----

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SECTION M OF RFP5-03275-352
EVALUATION FACTORS

M.1 EVALUATION OF OPTIONS (52.217-5) (JUL 1990)

Except when it is determined in accordance with FAR 17.206(b) not to be in the Government's best interests, the Government will evaluate offers for award purposes by adding the total price for all options to the total price for the basic requirement. Evaluation of options will not obligate the Government to exercise the option(s).

(End of provision)

M.2 FULL QUANTITIES (1852.214-72) (DEC 1988)

The Government will not consider an offer for quantities of items less than those specified. If this is an invitation for bids, the Government will reject as nonresponsive a bid that is not made on full quantities.

(End of provision)

M.3 SOURCE SELECTION AND EVALUATION FACTORS--GENERAL

1. Source Selection

This competitive negotiated acquisition shall be conducted in accordance with FAR 15.3, "Source Selection", and NASA FAR Supplement (NFS) 1815.3, same subject. The Source Evaluation Board procedures at NFS 1815.370, "NASA source evaluation boards" will apply.

The attention of offerors is particularly directed to NFS 1815.305, "Proposal evaluation" and to NFS 1815.305-70, "Identification of unacceptable proposals".

A trade-off process, as described at FAR 15.101-1, will be used in making source selection.

2. Evaluation Factors and Sub-factors

The evaluation factors are Mission Suitability, Past Performance, and Price. These factors, as described at NFS 1815.304-70, will be used to evaluate each proposal. This Section M provides a further description for each evaluation factor, inclusive of sub-factors and any elements under each sub-factor. Only the Mission Suitability factor is numerically scored.

3. Relative Order of Importance of Evaluation Factors

The Price Factor is significantly less important than the combined importance of the Mission Suitability Factor and the Past Performance Factor. As individual factors, the Price Factor is less important than the Past Performance Factor which is less important than the Mission Suitability Factor.

(End text)

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EVALUATION FACTORS

M.4 MISSION SUITABILITY FACTOR

1. Description of Mission Suitability Sub-factors

Under the Mission Suitability Factor, there are four sub-factors as provided below. Point scoring will be to the sub-factor.

The Mission Suitability sub-factors are as follows:

- A. NGST Architecture/Technology Development Objectives/Process Improvement
- B. Proposed Phase 1 Effort/System Verification Approach
- C. Resource Allocation/Team Qualifications
- D. Small Disadvantaged Business (SDB) Participation

The following weighted sub-factors will be used to evaluate the Phase 1 proposals:

1.1 Sub-factor A -- NGST Architecture/Technology Development Objectives/Process Improvement:

This sub-factor evaluates the ability of the proposed architecture to meet NGST scientific and mission goals with appropriate margins for performance, reliability and lifetime. The completeness and value of the trade studies performed to derive the proposed architecture, and the maturity of the architecture measured in terms of the breadth, depth, and quality of the systems engineering behind it will be considered. The offeror's objectives and rationale for technology development required by the proposed architecture will be evaluated. The level of cost risk and uncertainty in the proposed architecture and suitability and priority of descope options that can be exercised if needed for cost containment will be considered. Proposed design, development, or management innovations that can contribute, or have been proven to contribute, to mission success and cost control will be considered. The potential effectiveness of proposed process improvements, the soundness of the process improvement approach and techniques to be used, and the practicality of the improvement implementation plan will be used to judge the offeror's capability to design and produce NGST within its cost and schedule constraints.

1.2 Sub-factor B -- Proposed Phase 1 Effort/System Verification Approach:

This sub-factor will consider the effectiveness of the offeror's approach during Phase 1 for developing an end-to-end architecture that achieves the NGST's scientific objectives for the lowest life-cycle cost. The soundness of the plans and proposed critical studies for defining and refining the NGST architecture in Phase 1 will be evaluated. Demonstrated knowledge of and experience with focal plane, instrument, and operability interplay and performance will be evaluated. Appropriateness and risk of the proposed Phase 1 technology development plans i.e. the specific technology efforts that the contractor is undertaking during the Phase I contract; either as funded by the Government or on other corporate funding. Strength of the offeror's approach to retiring development risk before the start of NGST implementation (i.e., Phase C/D

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EVALUATION FACTORS

and E), including the offeror's capabilities in integrated computer modeling and simulation tools, testbeds and testing facilities, as well as the offeror's objectives and plans for using other existing or planned testbeds (e.g., Developmental Comparative Active Telescope Testbed (DCATT)) and flight experiments (e.g., Nexus). Practicality and effectiveness of the offeror's approach to coordinating its efforts with those of the Government, STScI, ESA, and CSA, and communicating with its own subcontractors and the geographically-distributed NGST participants. Quality of the system integration and performance verification plan, from the component through system level. This includes a demonstrated understanding of the issues, completeness and efficiency of the plan, integration of the verification approach into the overall design process, design trades for testability, anticipated use of Nexus for validation and verification, and assumptions about the degree and nature of verification of the ISIM and Ground System as it pertains to system level verification.

The submitted Small Business Subcontracting Plan and proposed goals will be evaluated within this subfactor as a program management consideration. However, SDB participation (FAR 19.12) will be evaluated separately under the SDB Participation subfactor

1.3 Sub-factor C -- Resource Allocation/ Team Qualifications:

This sub-factor will evaluate the offeror's resource allocation including the justification and rationale for the allocation between studies and technology development. The offeror's qualifications and experience of the proposed technical and management team, with emphasis on the functions of the project manager, project scientist, chief system engineer, and lead technologist will be evaluated. Credibility and appropriateness of the offeror's Phase 1 resource allocation plan, including but not limited to, the relationship of technology resources to resources for other engineering tasks. Adequacy and availability of facilities proposed to design, fabricate, assemble, and integrate & test the NGST, including integrating the complete flight segment (OTA, SSM, and ISIM) with the ground segment will also be evaluated. Evaluation of the offeror's resource plan will also include an assessment of: 1) the extent of any required Government Furnished Property for Phase 1; 2) the extent of corporate commitment to the NGST program; and 3) the extent and status of export approvals required to implement the offeror's proposal. This subfactor will also include an assessment of the long-term stability of the program's critical personnel and facility resources, particularly in terms of the transition from Phase 1 to Phase 2.

1.4 Sub-factor D -- Small Disadvantaged Business (SDB) Participation (FAR 19.12)

Refer to FAR provision 52.219-24, "Small Disadvantaged Business Participation Program—Targets" in Section L of this solicitation. This subfactor will consider the percent of proposed SDB participation against total contract value with emphasis on complex or "high technology" work that will enhance the development of SDB's. Specific identification of SDB subcontractors and associated work and the past performance of the offeror in meeting SDB goals and earning any associated incentives will be considered. The offeror's proposed plans, procedures, and organizational structure associated with ensuring attainment of proposed SDB targets will also be considered.

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2. Weights and Scoring

In accordance with NFS 1815.304-70(b)(1), the Mission Suitability factor will be weighted and scored on a 1000 point scale.

The weights (points) associated with each Mission Suitability subfactor are as follows:

	Points
Sub-factor – NGST Architecture/Technology Dev./Process Improvement	450
Sub-factor – Proposed Phase 1 Effort/System Verification Approach	300
Sub-factor – Resource Allocation & Team Qualifications	200
Sub-factor -- Small Disadvantaged Business Participation	50
	<hr/>
Total	1000

The Mission Suitability sub-factors and the total Mission Suitability factor will be evaluated using the adjectival rating, definitions and percentile ranges at NFS 1815.305(a)(3)(A).

The maximum points available for each subfactor will be multiplied by the assessed percent for each subfactor to derive the score for the particular subfactor. For example, if a subfactor has possible 200 points and receives a percent rating 80, then the score for that subfactor would be 160 points.

(End of text)

M.5 PAST PERFORMANCE EVALUATION FACTOR

This factor will apply to the proposing entity and any significant subcontractors. The evaluation will be conducted in accordance with FAR 15.305(a)(2) and NFS 1815.305(a)(2), "Past Performance Evaluation". The approach to evaluating past performance is provided below in accordance with 15.305(a)(2)(ii). This factor will not be point scored. One of the following adjectival ratings will be assigned:

Excellent, Very Good, Good, Fair, or Poor.

However, offers without a record of relevant past performance or for whom information on past performance is not available, will not be evaluated favorably or unfavorably on past performance. Refer to FAR 15.305(a)(2)(iv).

Past performance will include the following specific areas established for this procurement in accordance with NFS 1815.608-70(a)(2)(B):

--Technical Performance

- the offeror's compliance with technical requirements and performance standards for

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previous and present work. For hardware and hardware systems, this includes compliance with process requirements (such as product assurance) and control systems (such as configuration management) as well as the performance requirements for the delivered hardware or system and whether design life was achieved. The offeror's performance on interim work and deliverables such as system designs, prototype hardware, and technical reports will also be considered, as well as the initiative of the offeror in identifying and resolving unforeseen technical problems.

--Schedule Performance

- the offeror's performance in meeting completion dates. This includes any interim deliverables or milestones such as periodic technical and business reports, system designs, and prototype hardware.

--Cost Performance

- the offeror's cost performance relative to cost increases and cost savings (such as overruns and underruns) experienced on previous and current contracts. Only those increases or savings within the responsibility of the offeror under the terms of the particular contracts are considered. However, customer directed efforts and "de-scopings" to mitigate cost increases will be considered in assessing cost performance.

(End of text)

M.6 PRICE EVALUATION FACTOR

This is a firm fixed price acquisition.

A price analysis will be conducted in accordance with FAR 15.305(a)(1). Price analysis is described at FAR 15.404-1(b). This analysis is done to ensure that a "fair and reasonable" price is paid by the Government. However, the analysis is not intended to be protective of the offeror.

The Source Selection Authority will be presented the total Firm Fixed Price, the total of the options, and the results of the price analysis.

This acquisition is a full and open competition. Refer to FAR subpart 19.11 and to FAR clause 52.219-23, "Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns." The adjustment will not be made if there are no Small Disadvantaged Business (SDB) offeror(s) or if all SDB offerors have waived the price adjustment.

(End of text)

-----END OF SECTION-----